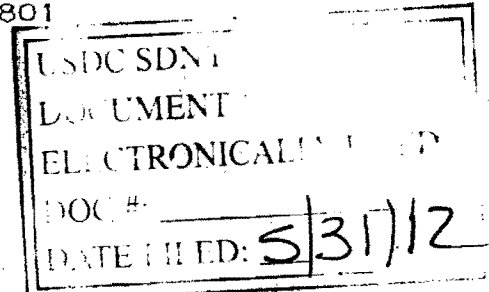


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MEMBER N.Y. AND CONN. BARS



May 15, 2012

A handwritten signature in dark ink, appearing to be "L. Lipman".

Via Telefax (914) 390-4278

Chambers of Hon. Cathy Seibel
United States District Judge
The Hon. Charles L. Brieant Jr.
Federal Building and Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

Re: *Schlenger v. IBM Corporation Inc. and
Gary Lipson*
No. 09-CV-3986 (CS)

Dear Judge Seibel:

Together with my co-counsel, Gail I. Auster, Esq., we represent the plaintiff Susan Amy Schlenger ("Plaintiff" or "Schlenger") in the above-referenced case. We write requesting a conference to (1) resolve some issues regarding a laptop computer (the "Laptop"), and (2) request an extension of the deadline for responding to defendants' Document Request and First Set of Interrogatories as they pertain to documents that may be stored on the Laptop.

Currently, the parties are in the process of briefing Defendants' Motion to Dismiss. Defendants' Reply Memorandum of Law is due on May 25, 2012, at which time the papers will be submitted to the Court.

In the meantime, pursuant to Your Honor's Order to complete paper discovery by June 1, plaintiff and defendants have served initial document requests. We advised defendants' counsel by letter, dated May 9, 2012, that Ms. Schlenger has in her possession, the Laptop, which was provided to her by IBM and on which she worked from home for a period of years, and which IBM told her it would pick up after IBM terminated her, but which IBM never did. The Laptop was locked remotely by IBM upon Ms. Schlenger's termination in December 2008, and, on information and belief has sat unused, since that time.

We asked IBM to join in our application for an extension of time in which to respond to the discovery requests insofar as they concern documents stored on the Laptop. Without access to the content on the Laptop, plaintiff cannot fully comply with her discovery obligations. IBM declined and asked for the Laptop.

Therefore, we seek guidance from the Court as to how to handle the discovery of the content of the Laptop. We believe that, under these circumstances, the best course is to have our forensic computer expert take custody of the Laptop and bring it to a site where our expert

Hon. Cathy Seibel
May 15, 2012
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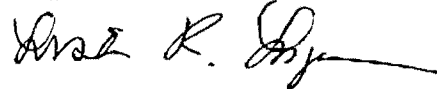
and IBM's expert can monitor each other as our expert makes the mirror image copies of the hard drive for all parties. This will protect all sides from claiming that the Laptop has, in any way, been polluted.

Our computer expert informs us that it should be possible to (1) make mirror image copies of the hard drive for plaintiffs and defendants; (2) ascertain at what point the hard drive was last accessed; and (3) if documents have been deleted, probably retrieve the deleted documents. Indeed, the existence of this Laptop, assuming the hard drive was not erased remotely by IBM, may, in fact, help to limit the costs of e-discovery in this matter.

Therefore, we respectfully request that Your Honor set down this matter for a telephone or in-person conference at your earliest convenience.

Thank you for your continuing consideration in this legal action.

Respectfully,



Lisa R. Lipman

cc: Gail I. Auster, Esq.
Attorney for Plaintiff
Allan S. Bloom, Esq.
Erin LaRuffa, Esq.
Attorneys for Defendants

TRANSMISSION VERIFICATION REPORT

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FACSIMILE COVER SHEET

DATE: 5/15/2012

TO: Hon. Cathy Seibel

COMPANY/FIRM NAME: U.S.D.C., S.D.N.Y.

TELEFAX NUMBER: (914) 390-4278

RE: *Schlenger v. IBM Corporation et ano.*
09-CV-3986 (CS)

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 4

INSTRUCTIONS:

Letter to Judge Seibel of today's date requesting intervention with proof of service on defendndants' counsel.

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